

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
ASSETS 901	COMAR 07.03.03.12 07.03.03.15	FINANCIAL ELIGIBILITY - 900

901.1 ASSET LIMIT

- A. An assistance unit's assets cannot exceed the allowable asset limit and receive TCA
- B. The limit is \$2,000 for TCA
- C. Count the assets from the date of application
 1. If the assistance unit's assets are \$2,000 or less on the date of application the unit meets resource eligibility; eligibility exists even if the assets were over scale prior to the date of application, provided no assets were transferred to make the family eligible
 2. Applicants with excess assets on the date of application, who state they have not paid the living expenses listed below, have 10 days to provide proof of paying the living expenses before the application is denied because of assets over the allowable limit
 - a. Rent or mortgage
 - b. Utilities (including water bills)
 - c. Food
 3. When applicants who have assets that exceed the \$2,000 limit state they are listed on a parent's, relative's, or any other person's bank account for emergency reasons, but do not personally use the funds, refer that person to the banking institution to have the account set up correctly
 - If the applicant can provide proof that the asset is the property of the other person, do not delay benefits while the banking institution makes the adjustment to the person's account
 - If countable assets exceed \$2,000 on the decision date, deny the application
- D. For ongoing cases, the family must report changes in assets once they exceed \$2,000. When such a change is discovered, close the case the month after adverse action expires.

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901.2 COUNTABLE ASSETS

A. Count any asset toward the \$2,000 asset limit when the customer has a legal interest in the asset and that asset is accessible. Some examples of countable assets are as follows:

1. Bank accounts including savings and checking accounts
2. Money on hand

B. Unless specifically included above, all assets are excluded

C. Require verification of bank accounts

901.4 ASSETS OF SPONSORS (POLICY EFFECTIVE DECEMBER 19, 1997)

A. Deem all assets belonging to the sponsor and the sponsor's spouse (if they reside together) for the legal immigrant entering the United States on or after December 19, 1997

B. 100 percent of the countable assets belonging to the sponsor and to the sponsor's spouse (if they reside together) must be deemed until:

1. The immigrant becomes a United States citizen
2. The sponsor or the legal immigrant dies, or
3. The immigrant has 40 quarters of verifiable earnings

C. Deeming all sponsor assets and incomes makes most sponsored immigrants ineligible

D. Deeming of assets does not apply to:

1. Refugees and asylees exempt from deeming provisions
2. Legal permanent residents (LPRs) who have been credited with 40 qualifying quarters
3. Battered spouses and children

- a. **Are exempt** from deeming provisions **for one year** if they have been battered or subjected to extreme cruelty in the United States by a spouse,

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parent, or other family member residing in the household who is the sponsor

- b. The battery or cruelty must have a substantial connection to the need for the public benefits.
- c. The spouse or child subjected to cruelty must not be living with the person who committed the abusive acts.
- d. The battered spouse exception may extend beyond the initial one-year period, if the BCIS, a judge, or an administrative law judge formally recognizes that the battery or extreme cruelty occurred.

4. The indigent

- a. **Exempt** from deeming provisions if they have been abandoned by their sponsor or if the sponsor's contribution is so inadequate that the immigrant would be unable to obtain food and shelter
- b. The exemption lasts for one year after the determination of indigence has been made
- c. To make this determination, take into account the non-citizen's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor. The amount that is deemed from the sponsor is the actual amount provided for a period beginning on the date of the determination and ending 12 months from this date.
- d. "Is unable to obtain food and shelter" means that the total amount of the eligible sponsored immigrant's household's own income, and the cash contributions and value of in-kind assistance provided by the sponsor and others does not exceed the gross income test for the household's size.

901.5 JOINTLY OWNED ASSETS

- A. The pro-rata share (less any legal debts) of countable assets shared by an assistance unit member and non-member is countable towards the TCA \$2,000 asset limit
- B. If the assistance unit member declares the jointly owned assets are inaccessible, substantiating proof must be provided. The most common jointly owned assets are:

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- Bank accounts
- Acceptable proof that an asset is inaccessible:
- Legal documentation that an account is inaccessible

901.6 ASSETS OF INDIVIDUALS EXCLUDED FROM THE ASSISTANCE UNIT

A. Assets (as determined in 901.2 above) of some persons excluded from the assistance unit are considered as available to the members in the TCA assistance unit. This applies to the assets of the following persons who are not in the assistance unit:

1. Stepparents
2. Undocumented immigrants - parent of child or a child in the assistance
3. Technically ineligible household members:
 - a. The child not in school (exclude up to \$2,000 from earnings)
 - b. The child who did not comply with work requirements (exclude up to \$2,000 from earnings)
 - c. The individual who fails to provide a social security number
 - d. The sanctioned person
 - e. Fleeing felons
 - f. The individual who has violated parole or probation
 - g. The individual who has fraudulently received assistance from 2 states simultaneously

B. Assets of a Supplemental Security Income (SSI) customer, those of a child for whom Foster Care payments are received, and a child for whom an adoption subsidy is received are **never counted as available to the TCA assistance unit**

(This is an exception to the policy regarding excluded persons.)

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901.7 TRANSFER OF ASSETS

A. Applicants or customers who transfer assets to become eligible or remain eligible for cash assistance are ineligible if:

1. Assets are transferred in the 3 month period before the application month, or
2. Assets are transferred after the family has been approved for benefits

B. A period of ineligibility is calculated as follows:

1. Determine the value of the transferred assets
2. Subtract the amount of assets which can be retained without exceeding the asset limit
3. Divide the difference by the TCA benefit amount for the assistance unit size
4. Ineligibility is for the number of months in step 3. Any fraction of a month is disregarded

Note: When there is a transfer of assets, the case manager needs to evaluate the action to determine if the transfer of assets or the use of funds was with the intent to qualify for assistance.

If a transfer of assets or the use of funds was done to qualify for assistance, the assistance unit is given a period of ineligibility, unless the total amount of the transfer is less than the allowable asset limit.

If the transfer of assets or the use of funds was to meet living expenses such as food, utilities, or shelter costs, the family is eligible.

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EXAMPLES: TRANSFER OF ASSETS

Example 1. Mrs. Hardy applied for TCA for herself and 2 children. In the month prior to applying, she transferred \$3000 from her savings account to her sister so she would be eligible.

\$3000 - Value
 - 2000 - Allowable asset limit
\$1000 - Difference

\$ 565 - Benefit amount for a family size 3

$\$1000 \div \$ 565 = 1.7$ months or 2 months of ineligibility

Example 2. Mrs. Largo applied for TCA for herself and 3 children when her husband deserted the family at the first of the month. She had \$2,132 in her personal checking account and no other resources. On the tenth of the month, she used \$840 to pay the mortgage and purchase food for the family.

- Her use of the funds is not a transfer of assets –
- She used the funds to pay living expenses

Example 3. Mr. Washington applied for TCA for himself and 4 children due to disability. He had a savings account of \$900. He gave the \$900 to his mother so he would have zero assets when applying.

- No effect on eligibility - The amount given was less than the allowable asset limit